



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/891,580	07/11/97	JUNGLEIB	S PA612

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EXAMINER
DONELS, J

ART UNIT	PAPER NUMBER
2837	3

DATE MAILED: 06/22/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/891,580

Applicant(s)
Jungleib

Examiner
Jeff Donels

Group Art Unit
2837



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-45 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-45 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 7,21,35,37,38,43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7,21 fail to point out and distinctly claim Applicant's invention, as "the composer's name" is not positively recited and lacks antecedent basis. Correction is required.

Claims 35,43 fail to point out and distinctly claim Applicant's invention, as the phrase "certifying right of the player system" is not clear and does not make sense grammatically. Correction is required.

Claims 37,38 fail to point out and distinctly claim Applicant's invention, as it is not clear how a method step of 'receiving a musical work file' is "achieved" by a CD player or a network communication interface. Correction is required.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al.

Regarding Claims 1-45, Sato et al. discloses a karaoke system having a plurality of terminals and a center system (Col. 5) which comprises a computer-readable medium 3 which has a musical work file (MIDI karaoke file) containing music control signals, effects/topology (note file see Col. 5, lines 26-27), a portion of a sound bank (PCM file), a header (quick reference file) which contains a composer name, title, etc. Sato does disclose a CD drive 3, a network interface 4 and a MIDI controller 2, but not explicitly disclose the recited means and method steps for editing and modifying the musical work files. Official Notice is taken that it is notoriously old and well-known to one of ordinary skill in the art that such means and recited method steps would be necessary to create such musical work files before they are used by a device such as that taught by Sato et al. It would have been obvious to one of ordinary skill in the art to adapt the teachings of Sato et al. with such means and method steps so as to allow the user to create such files.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goede, Umeda et al., Bell et al., Aoki et al., Lisle et al., and Nakai et al. are further cited to show related teachings in the art of electronic musical instruments.

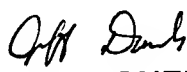
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Donels whose telephone number is (703) 308-3115. The examiner can normally be reached on Monday - Thursday from 8:30 AM - 6:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Shoop, can be reached on (703) 308-3103. The fax number for this Technology Center is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-1782.


JWD

June 15, 1998


JEFF DONELS
PATENT EXAMINER
TECH CENTER 2800